

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:07-CR-159-D  
No. 5:08-CV-594-D

UNITED STATES OF AMERICA,       )  
  )  
                  v.                       )  
  )  
KENNETH FULLER,                    )  
  )  
                          Defendant.    )

**ORDER**

On August 9, 2011, this court ordered defendant's trial counsel to submit an affidavit not later than September 9, 2011, stating whether she consulted with Fuller about an appeal and whether she promised to note an appeal but failed to do so [D.E. 35]. To date, defendant's trial counsel has not filed anything. Defendant's trial counsel shall file an explanation for her conduct not later than November 14, 2011. The defendant's trial counsel is WARNED that the failure to respond to this order could result in sanctions.

SO ORDERED. This 7 day of November 2011.

  
JAMES C. DEVER III  
Chief United States District Judge